

THE COUNCIL OF STATE GOVERNMENTS
2004 ANNUAL STATE TRENDS AND LEADERSHIP FORUM
AND
CSG-WEST ANNUAL MEETING

COMMITTEE ON SUGGESTED STATE LEGISLATION

Egan Convention Center, Summit Hall
September 26, 2004 and September 29, 2004
Anchorage, Alaska

MEETING SUMMARIES

(Final as of 10/15/04)

Presiding

Senator Pam Redfield, Nebraska, Co-Chair

Representative Chris Ross, Pennsylvania, Co-Chair

Mr. Jerry Bassett, Director, Alabama Legislative Reference Service, Vice-Chair

Members in Attendance (September 26, 2004)

Sen. Don Balfour, Georgia
Mr. Michael Christensen, Director, Utah Office of Legislative Research & General Counsel
Ms. Ann Cornwell, Arkansas Senate Secretary
Rep. Ken Cowling, Arkansas
Sen. Bart Davis, Idaho
Penny Davis, Associate Director, Alabama Law Institute
Rep. Mary Glenski, South Dakota
Mr. Bill Goodman, Arkansas Senate Chief of Staff
Rep. Deena Horst, Kansas
Rep. Margaret Long, Kansas
Sen. Tim Mathern, North Dakota
Mr. E.M. Miller Jr., Director, Virginia Legislative Services Division
Rep. Bobby Moak, Mississippi
Mr. John Olsrud, North Dakota Legislative Council
Mr. Don Richardson, Mississippi House Clerk
Rep. Ann Rydalch, Idaho
Rep. Donna Stone, Delaware
Rep. Joseph Toomy, Louisiana
Sen. John Valentine, Utah

Guests in Attendance

Sen. Carolyn Allen, Arizona
Mr. Michael Behm, Stateside Associates
Rep. Bill Callegari, Texas
Neelan Chawla, Alberta, Canada
Mr. Joe Cleary, Bayer Health Care
Ms. Susan Connelly, Grocery Manufacturers of America
Mr. Scott DiBiasio, Plasma Protein Therapeutics Association
Mr. Phil Drager, Credit Union National Association
Mr. Brian Gordon, Stateside Associates

Sen. Stewart Greenleaf, Pennsylvania
Mr. Jon Holtzee, American Dental Association
Sen. Mike Jackson, Texas
Mr. Miles Mathews, MBNA
Ms. Kymberly Messersmith, American Express
Rep. Joseph E. Miro, Delaware
Mr. Scott Nishioki, American Bankers Association
Ms. Kristin Power, Grocery Manufacturers of America
Rep. Larry Prater, Arkansas
Ms. Janice Prater, Arkansas
Ms. Jennifer Seelig, 1-800-Contacts
Mr. Gary Selvy, MBNA
Mr. Alan Smith, Ohio Casualty Group
Mr. Mathew Street, American Bankers Association
Mr. Dale Szyndrowski, DISCUS
Mr. David Thorp, American Beverage Association
Mr. Jim Wall, Symantec
Mr. Alan West, Citigroup
Rep. Lonny Winrich, North Dakota

Staff in Attendance

Mr. Bill Voit, CSG Lexington
Mr. John Mountjoy, CSG Lexington
Ms. Gladys Parks, CSG Lexington
Mr. Freeman Smith, CSG Lexington

Members in Attendance (September 29, 2004)

Sen. Don Balfour, Georgia
Mr. Michael Christensen, Director, Utah Office of Legislative Research & General Counsel
Ms. Ann Cornwell, Arkansas Senate Secretary
Rep. Ken Cowling, Arkansas
Sen. Bart Davis, Idaho
Penny Davis, Associate Director, Alabama Law Institute
Rep. Mary Glenski, South Dakota
Mr. Bill Goodman, Arkansas Senate Chief of Staff
Rep. Deborah Hudson, Delaware
Rep. Doug Jones, Idaho
Rep. Kim Koppelman, North Dakota
Rep. Bill Light, Kansas
Rep. Margaret Long, Kansas
Sen. Tim Mathern, South Dakota
Mr. E.M. Miller Jr., Director, Virginia Legislative Services Division
Mr. John Olsrud, North Dakota Legislative Council
Rep. Ann Rydalch, Idaho
Rep. Donna Stone, Delaware
Rep. Joe Toomy, Louisiana
Sen. John Valentine, Utah

Guests in Attendance

Mr. Chris Badgley, PhRMA

Mr. Ab Basu, CropLife America
Mr. Michael Behm, Stateside Associates
Mr. Bill Bowers, AstraZeneca
Mr. George Bullock, Agnes Scott College
Mr. Jeff Case, SYNGENTA
Ms. Susan Connelly, Grocery Manufacturers of America
Rep. LeRoy Dangeau, Arkansas
Mr. Scott DiBiasio, Plasma Protein Therapeutics Association
Mr. Charlie Diggs, ASHA
Mr. Phil Drager, Credit Union National Association
Sen. Lewis Entz, Colorado
Sen. Karen Facemyer, West Virginia
Mr. Brian Gordon, Stateside Associates
Mr. Jim Hoover, Bayer Health Care
Rep. Nita Hutter, Louisiana
Rep. Sue Jeskewitz, Wisconsin
Mr. Kurt Knickrehm, Director, Arkansas Department of Human Services
Ms. Kristin Power, Grocery Manufacturers of America
Ms. Mary Lau, Retail Association of Nevada
Mr. Miles Mathews, MBNA
Mr. Craig Mischo, Bayer Health Corporation
Ms. Liz MacMenamin, Retail Association of Nevada
Ms. Kimberly Messersmith, American Express
Mr. Derek Naten, Bayer Health Corporation
Ms. Debbie Neale, PolyOne
Sen. Mark Norris, Tennessee
Assemblyman Felix Ortiz, New York
Ms. Kristen Power, Grocery Manufacturers of America
Ms. Linda Pryor, Pfizer
Mr. Scotty Scott, OASD/RA
Mr. George Schaefer, U.S. Department of Defense
Mr. Gary Selvy, MBNA
Ms. Jennifer Seelig, 1-800-Contacts
Mr. Jim Skillen, RISE
Sen. Mitch Seabaugh, Georgia
Mr. Alan Smith, Ohio Casualty Group
Ms. Karen Smith, Procter & Gamble
Mr. Rod Snyder, CropLife America
Mr. Dale Szyndrowski, DISCUS
Rep. Francis Thompson, Louisiana
Rep. Eric Turner, Indiana
Rep. David Ward, Wisconsin
Rep. Lonny Winrich, North Dakota

Staff in Attendance

Mr. John Mountjoy, CSG Lexington
Ms. Carolyn Orr, CSG Lexington
Ms. Gladys Parks, CSG Lexington
Mr. Scott Richards, CSG Lexington
Mr. Freeman Smith, CSG Lexington
Mr. Bill Voit, CSG Lexington

The CSG Committee on Suggested State Legislation convened on Sunday, September 26, 2004 from 3:30 p.m. until 5:00 p.m. to consider SSL docket 25C. This docket is the last in the 2005 SSL cycle. A quorum was present. There are 99 bills on docket 25C. These address issues such as small business regulatory fairness boards, reforming public pensions and the rights of foster parents.

On Sunday, the committee addressed legislation on docket 25C that was not vetted through CSG's policy task forces. The task forces met on Monday and Tuesday and made recommendations about selected items on docket 25C. The committee met on Wednesday to consider carry-overs from Sunday and to review the task force recommendations.

The SSL committee considered 99 items at these meetings. It voted to include 20 in Part III of the 2005 Suggested State Legislation volume. It voted to defer 12 to a future task force or SSL committee meeting, and rejected the other 67.

CSG plans to publish the 2005 Suggested State Legislation volume in December 2004 or January 2005. An electronic edition will also be available through CSG's web site.

The next SSL committee meeting will be held November 20, 2004 at the Ritz Carlton hotel, Dana Point, California.

RECCOMENDATIONS FROM CSG POLICY TASK FORCES TO THE SSL COMMITTEE

- Include In Volume
- Defer To Next Task Force Meeting
- Defer To Next SSL Committee Meeting
- Defer To Next SSL Cycle
- Reject
- No Action

(*) Indicates item is carried over from previous SSL cycle.

(01) CONSERVATION AND THE ENVIRONMENT

(02) HAZARDOUS MATERIALS/WASTE

02-25C-01 Electronic Product Management

WA Reject

Add similar legislation from California, Maine and other states to the docket for the next task force meeting.

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY

05-25B-01 Threats to Release or Disseminate Harmful Substances

WI Include

05-25B-02A Vaccination Program for Emergency Responders

GA Reject

05-25B-02B Vaccination Program for First Responders

NC Reject

05-25B-03A Harmful Electronic or Electromagnetic Devices

MI No Action

05-25B-03B Harmful Electronic or Electromagnetic Devices

MI No Action

05-25B-04 Establishing a Criminal Penalty for Facilitating a Drug or Underage Alcohol House Party

NH Reject

05-25C-01 Enhanced Protection for Child Users of Public Library Services from Harmful Materials on the Internet

CO Include

05-25C-02 Silicosis Claim or a Mixed Dust Disease Claim

OH Include

(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION

06-25C-03A Encroachment of Incompatible Land Uses around Military Installations NOTE Include

06-25C-03B Encroachment of Incompatible Land Uses around Military Installations WA Include

(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE

17-25A-01 Prohibiting Discrimination in the Awarding of Attorney Fees and Costs in Civil Actions or Appeals to or Against, or in the Posting of Bonds or other Security by, Public Interest Litigants; and Relating to Awards of Attorney Fees and Costs in Cases Involving Enforcement of Constitutional Rights AK No Action

17-25B-01 Dispensing of Returned Prescription Drugs by Prison Pharmacies WI Include

17-25B-02 Limits on Civil Damages Awarded to Felons WI Include

17-25B-03 Appointing Special Members to Board of Pardons and Parole AL Include

17-25B-04 Freezing Assets that Are Held in State-Chartered Financial Institutions and are Suspected of Being Used for Terrorism NJ Include

17-25B-05 Pornography and Child Exploitation Prevention GA Include

17-25B-06 Prisoner Complaints against State Corrections Health Officials FL No Action

17-25B-07 Fire and Police Members' Benefit Fund CO No Action

17-25C-01 Allowing Employees to Take Leave to Attend Criminal Proceedings OR Include

17-25C-02 Illegal Aliens and Unidentified People; Procedure for Detention and Arrest VA Reject

17-25C-03 Compensation of People Who Have Been Wrongfully Incarcerated in the Commonwealth VA No Action

17-25C-04 Municipal Court Reform TN Reject

17-25C-05 Mutual Aid and Emergency and Disaster Assistance Agreement TN No Action

(21) HEALTH CARE

21-25B-04 Health Insurance Access Card ID Defer to next task force meeting

21-25B-05 Creating a Program for Quality in Health Care CT Reject

(25B-c) Get similar legislation from other states.

21-25C-01 Health Care Quality and Patient Safety Legislation NOTE Defer to next task force meeting, check with the National Academy of State Health Policy about adding similar bills from other states to the Note.

21-25B-09 Risk Management Plans; Includes Physicians and Hospitals VA Reject

21-25C-02 Psychiatric Advance Directives IN Defer to next task force meeting

21-25C-03 Model Health Plan for Uninsurable Individuals WV Reject

21-25C-04 Authorization of Uninsured Small Group Health Benefit Plans WV Include

21-25C-05 Health Insurance Coverage for Young Adults	MD	Reject
21-25C-06 Health Care Decisions "Patient's Plan of Care" Form for Communicating Patient Preferences	MD	Defer to next task
force meeting, get the Plan of Care forms if possible.		
21-25C-07 Advance Directive Information Availability	MD	Defer to next task
force meeting.		
21-25C-08 Health Insurance - Prompt Payment of Claims	MD	Reject
21-25C-09 Medical Underwriting Association	OH	Defer to next task
force meeting, get similar legislation from other states regarding underwriting, compare this bill with a Texas law that is already in SSL.		
21-25C-10 Disability Database	IL	Reject
21-25C-11 Health Care Directives Registry	AZ	Defer to next task
force meeting.		
21-25C-12 Organ Transplants and HIV	IL	Include
21-25C-13 Comprehensive Care Centers For Eating Disorders	NY	Include
21-25C-14 Medical Malpractice Reform	OH	Defer to next task
force meeting, consider a note about medical malpractice reform initiatives, compare with 21-25C-09.		

(24) AGRICULTURE

24-25C-01 Genetically Engineered Seed	VT	Reject
24-25C-02 Rural Center	VA	Reject
24-25C-03 Cooperative Processing Statement	TN	Include
24-25C-04 Siting and Expansion of Livestock Facilities	WI	Include
24-25C-05 Regulating Poultry Production Contracts	GA	Defer to next task
force meeting.		
24-25C-06 Master Farmer Program	LA	Include
24-25C-07 Prohibiting Local Governments from Regulating Activities Related to Fertilizer	WV	Include
24-25C-08 Purchasing Farm Products by School Districts	NY	Defer to next task
force meeting.		

SSL COMMITTEE – DISPOSITION OF SSL DOCKET 25C ITEMS

ITEM NO., TITLE OF ITEM UNDER CONSIDERATION	SOURCE	ACTION
(*) Indicates item is carried over from previous SSL cycle.		
(01) CONSERVATION AND THE ENVIRONMENT		
(02) HAZARDOUS MATERIALS/WASTE		
02-25C-01 Electronic Product Management	WA	Reject
(03) ENERGY		
03-25C-01 Electrical Corporations: Procurement Plans	CA	Reject
(04) SCIENCE AND TECHNOLOGY		
(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY		
05-25B-01 Threats to Release or Disseminate Harmful Substances	WI	Reject
05-25B-02A Vaccination Program for Emergency Responders	GA	Reject
05-25B-02B Vaccination Program for First Responders	NC	Reject
05-25B-03A Harmful Electronic or Electromagnetic Devices	MI	Include
(25C-a) Combine this bill with 05-25B-03B.		
05-25B-03B Harmful Electronic or Electromagnetic Devices	MI	Include
(25C-b) Combine this bill with 05-25B-03A.		
05-25B-04 Establishing a Criminal Penalty for Facilitating a Drug or Underage Alcohol House Party	NH	Reject
05-25C-01 Enhanced Protection for Child Users of Public Library Services from Harmful Materials on the Internet	CO	Defer to next SSL meeting.
(25C-c) Add similar bills about this topic from other states.		
05-25C-02 Silicosis Claim or a Mixed Dust Disease Claim	OH	Include
(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION		
06-25C-01 Beneficiary Deeds	CO	Reject
06-25C-02 Statewide First Responder Building Mapping Information System	WA	Include
06-25C-03A Encroachment of Incompatible Land Uses around Military Installations	NOTE	Include
(25C-d) Combine bill language of 06-25C-03B into this Note.		
06-25C-03B Encroachment of Incompatible Land Uses around Military Installations	WA	Reject
(25C-e) Combine bill language with 06-25C-03A.		
06-25C-04 Neighborhood Preservation	TN	Reject
06-25C-05 Home Loan Protection	NM	Reject
(07) GROWTH MANAGEMENT		

(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/DEVELOPMENT

08-25C-01 Business Purchasing Preferences	IN	Reject
08-25C-02 Microenterprise Partnership Program	IN	Reject

(09) BUSINESS REGULATION AND COMMERCIAL LAW

09-25C-01 An Act Relating to Unsolicited Communications Following an Aircraft Accident	AK	Reject
09-25C-02 Credit Card User Identification	WA	Reject
09-25C-03 Property Insurance for Victims of Malicious Harassment	WA	Reject
09-25C-04 Small Business Regulatory Fairness Board	MO	Reject
09-25C-05 Preference Points for American Companies When Awarding State Contracts	TN	Reject

(10) PUBLIC FINANCE AND TAXATION

10-25C-01 State Investments; Security Risks; Reports	AZ	Reject
--	----	--------

(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT

11-25C-01 Public Utility Employees; Utility Service Interruption Emergencies	IN	Reject
11-25C-02 Workers Compensation Reform Statement	CA	Reject

(12) PUBLIC UTILITIES AND PUBLIC WORKS

(13) STATE AND LOCAL GOVERNMENT/INTERSTATE COOPERATION AND LEGAL DEVELOPMENT

13-25C-01 Retirement Health Savings Trust for State Employees	CO	Reject
13-25C-02 Encourage State Employees to Engage in Activities that Support Mentoring	AZ	Reject
13-25C-03 Public Pension System Reforms Statement	OH	Reject

(14) TRANSPORTATION

14-25C-01 Mobile Infrared Transmitters	VA	Defer to next SSL meeting.
--	----	----------------------------

(25C-f) Add similar bills from Delaware, Georgia, Idaho, Kansas, Missouri and Virginia to the next docket.

14-25C-02 Motorcycle Rider Safety Training Centers	VA	Reject
--	----	--------

(15) COMMUNICATIONS/TELECOMMUNICATIONS

15-25C-01 Newspaper Theft	CO	Reject
15-25C-02 Film Piracy	GA	Reject

(25C-g) Add a similar Virginia bill to the next SSL docket.

15-25C-03 Community Telecommunications Alliance Program	TX	Reject
---	----	--------

(16) ELECTIONS/POLITICAL CONDITIONS

16-25C-01 Official Deprivation of Civil Rights	NJ	Reject
--	----	--------

(17) CRIMINAL JUSTICE, THE COURTS AND
CORRECTIONS/PUBLIC SAFETY AND JUSTICE

17-25A-01 Prohibiting Discrimination in the Awarding of Attorney Fees and Costs in Civil Actions or Appeals to or Against, or in the Posting of Bonds or other Security by, Public Interest Litigants; and Relating to Awards of Attorney Fees and Costs in Cases Involving Enforcement of Constitutional Rights AK Defer to next SSL meeting

17-25B-01 Dispensing of Returned Prescription Drugs by Prison Pharmacies

WI Include

(25C-g) Mention the previous SSL about nursing home prescriptions in the abstract to this bill.

17-25B-02 Limits on Civil Damages Awarded to Felons

WI Include

17-25B-03 Appointing Special Members to Board of Pardons and Parole

AL Reject

17-25B-04 Freezing Assets that Are Held in State-Chartered Financial Institutions and are Suspected of Being Used for Terrorism

NJ Reject

17-25B-05 Pornography and Child Exploitation Prevention

GA Include

17-25B-06 Prisoner Complaints against State Corrections Health Officials

FL Include

17-25B-07 Fire and Police Members' Benefit Fund

CO Reject

17-25C-01 Allowing Employees to Take Leave to Attend Criminal Proceedings

OR Include

17-25C-02 Illegal Aliens and Unidentified People; Procedure for Detention and Arrest

VA Reject

17-25C-03 Compensation of People Who Have Been Wrongfully Incarcerated in the Commonwealth

VA Reject

17-25C-04 Municipal Court Reform

TN Reject

17-25C-05 Mutual Aid and Emergency and Disaster Assistance Agreement

TN Reject

(18) PUBLIC ASSISTANCE/HUMAN SERVICES

18-25C-01 Presumption Concerning Child Sexual Abuse

IN Reject

18-25C-02 Volunteer Advocate for Seniors

IN Include

18-25C-03 Telephone 211 Dialing Code Services for Accessing Human Services Information

IN Defer to next SSL meeting

(25C-h) See if other states have similar laws.

18-25C-04 Pilot Program for the Placement of Children in Dedicated Out-Of-Home Settings

CO Reject

18-25C-05 Foster Parents' Rights

WA Reject

(19) DOMESTIC RELATIONS

19-25B-01 Parent-Child Relationship Protection meeting

AL Defer to next SSL

(25B-a) Get a similar law from South Dakota and a model act from an association of attorneys that handle divorces.

(25C-i) Add similar laws from Florida and Georgia.

19-25C-01 Notice Before Relocating a Child Not Living with

Both Legal Parents meeting.	SD	Defer to next SSL
19-25C-02 Statewide Child Fatality Review Committee	IN	Reject
19-25C-03 Awarding of Joint Physical Care of a Child	IA	Reject
19-25C-04 Protective Parent Reform	TN	Reject
(20) EDUCATION		
20-25C-01 Cultural Competency in Educational Environments	IN	Reject
20-25C-02 College Opportunity Fund Act	CO	Reject
20-25C-03 Education Reform Statement	OH	Reject
20-25C-04 Master School Principal Program	AR	Include
(25C-j) Add other state laws to next docket that address how states are responding to the federal <i>No Child Left Behind Act</i> .		
20-25C-05 School Textbooks/Alternative Formats	AZ	Reject
20-25C-06 Foster Child Education	WA	Reject
20-25C-07 Deaf and Hard-of-Hearing Children's Educational Bill of Rights	NM	Reject
20-25C-08 Disclosing Information about Sexual Misconduct by Applicants for School District Employment	WA	Reject
20-25C-09 Award for Distinguished Achievement in Career and Technology Education	TX	Reject
20-25C-10 Higher Education Accountability	TN	Reject
20-25C-11 Express Enrollment for Children's Health Care Coverage	NJ	Reject
20-25C-12 NJ STARS	NJ	Reject
(21) HEALTH CARE		
21-25B-04 Health Insurance Access Card Care Task force meeting.	ID	Defer to next Health
(25C-k) Update task force and committee on status of federal waiver.		
21-25B-05 Creating a Program for Quality in Health Care	CT	Reject
(25B-c) Get similar legislation from other states.		
21-25C-01 Health Care Quality and Patient Safety Legislation	NOTE	Include
21-25B-09 Risk Management Plans; Includes Physicians and Hospitals	VA	Reject
21-25C-02 Psychiatric Advance Directives Care Task Force meeting.	IN	Defer to next Health
21-25C-03 Model Health Plan for Uninsurable Individuals	WV	Reject
21-25C-04 Authorization of Uninsured Small Group Health Benefit Plans	WV	Reject
21-25C-05 Health Insurance Coverage for Young Adults	MD	Reject
21-25C-06 Health Care Decisions "Patient's Plan of Care" Form for Communicating Patient Preferences Care Task Force meeting	MD	Defer to next Health
21-25C-07 Advance Directive Information Availability Care Task Force Meeting	MD	Defer to next Health
21-25C-08 Health Insurance - Prompt Payment of Claims	MD	Reject
21-25C-09 Medical Underwriting Association	OH	Reject
21-25C-10 Disability Database	IL	Reject

21-25C-11 Health Care Directives Registry Care Task Force meeting	AZ	Defer to next Health
21-25C-12 Organ Transplants and HIV	IL	Include
21-25C-13 Comprehensive Care Centers For Eating Disorders	NY	Reject
21-25C-14 Medical Malpractice Reform	OH	Include

(22) CULTURE, THE ARTS AND RECREATION

(23) PRIVACY

23-25C-01 Confidentiality of Addresses in Civil Proceedings	NY	Include
---	----	---------

(24) AGRICULTURE

24-25C-01 Genetically Engineered Seed	VT	Reject
24-25C-02 Rural Center	VA	Reject
24-25C-03 Cooperative Processing Statement	TN	Include
24-25C-04 Siting and Expansion of Livestock Facilities	WI	Reject
24-25C-05 Regulating Poultry Production Contracts	GA	Include
24-25C-06 Master Farmer Program	LA	Include
24-25C-07 Prohibiting Local Governments from Regulating Activities Related to Fertilizer	WV	Include
24-25C-08 Purchasing Farm Products by School Districts Agriculture Task Force meeting	NY	Defer to next

(25) CONSUMER PROTECTION

25-25C-01 Consumer Credit Solicitation Protection	CO	Reject
25-25C-02 Dormancy and Service Fees on Gift Certificates/Cards	CA	Reject
25-25C-03 Identity Theft Victims' Rights Act	TN	Reject

(26) MISCELLANEOUS